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THE BOSTON GLOBE THURSDAY, OCTOBER 23, 2003

## Medical examiner admits role in eyes mix-up

**Insists he was duped  
in mishandling of test**

**By Sean P. Murphy  
and Anne Barnard**  
GLOBE STAFF

The medical examiner under investigation for allegedly mishandling the autopsy of an infant last year acknowledged yesterday that he may have con-

tributed to a mix-up that caused the wrong set of eyeballs to be sent out for tests.

However, he said through his lawyer, he believes he was tricked by his supervisor into doing so.

Attorney General Thomas F. Reilly has launched an investigation into the botched autopsy of the 3-month-old South Shore boy by the state medical examiner's office, saying the office's integrity has been called into question. The

autopsy was conducted after the unexpected death of the baby, and investigators were trying to determine whether the cause of death was shaken-baby syndrome — a homicide — or sudden infant death syndrome.

Damage to the eyeballs is a key indicator, specialists say, of shaken-baby syndrome.

Dr. Alexander M. Chirkov, who conducted the autopsy, said through his lawyer that he did not suspect shaken-

baby syndrome in the case, and his records show he did not remove the eyeballs from the infant for testing by an outside specialist for trauma.

Chirkov contends that his supervisor, state chief medical examiner Richard J. Evans, knew Chirkov did not remove the infant's eyes.

According to Chirkov, one day in March, five months after Chirkov conducted the preliminary autopsy, he re-

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# Medical examiner says he had role in mix-up

## ► INVESTIGATION

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ceived a call from Evans, ordering that the infant's eyes be sent out for tests. Because he was out of the office, and did not remember all the details of the case, Chirkov said he called in and asked a fellow medical examiner, Dr. William Zane, to check for the eyes in a storage jar that contained some of the baby's organs, said Sharon D. Meyers, Chirkov's lawyer.

"Chirkov called the office and asked Zane to check the jar for eyes, and if they were in there, send them," Meyers said.

Five days later, Meyers said, Evans confronted Chirkov. Evans said Chirkov must have sent the wrong eyes to be tested because Evans, from checking two weeks earlier, knew there were no eyes in the jar where the baby's organs were stored.

"That is a setup," said Meyers. "It is astonishing."

Meyers said she can't be sure whose eyeballs Zane sent out to be tested.

Evans and Zane could not be reached for comment yesterday.

A spokesman for the Executive Office of Public Safety, which oversees the medical examiner's office, did not return calls yesterday. On Monday, Public Safety Secretary Edward A. Flynn said his agency would fully cooperate with Reilly's investigation.

The state medical examiner's office has struggled with understaffing and criticism of its practices in recent years.

This case has caused great concern in the law enforcement community because district attorneys rely on the state medical examiner's reports for investigations into suspicious deaths and as expert witnesses at homicide trials.

"These are very serious allegations," Reilly said. "It is critical to find the facts in the case. One way or another, we will get to the bottom of this."

Norfolk District Attorney William R. Keating referred the case to Reilly's office two weeks ago, after prosecutors investigating the

case noticed an inconsistency in the case file. That led the investigators to believe the wrong eyeballs had been tested for trauma.

Reilly declined yesterday to detail that inconsistency or provide any other details of the case. Keating would not comment. A Globe reporter who visited the South Shore address of the mother of the infant was told by a woman there: "We don't want to be bothered with this."

The Globe is withholding the identity of the infant and his mother.

According to the baby's death certificate signed by Chirkov, the child died Oct. 4 at Brockton Hospital, and his body was cremated four days later. Chirkov listed the cause of death as "sudden death in setting of subdural hematoma" — bleeding inside the brain.

The death certificate also lists as a cause "thymus megalay," or a swollen thymus gland. Meyers said Chirkov attributed the enlarged thymus to an infection and consulted the baby's pediatrician, who said the infant had been running a fever. Chirkov said the infection, and the fact the baby had been born two months premature and its blood vessels had not fully developed, caused the death, Meyers said.

Meyers said Chirkov rejected the theory that the baby was a victim of child abuse.

However, Dr. Michael Bell, president of the National Association of Medical Examiners, said subdural hematoma is a red flag that may signal violence and should trigger a raft of further tests including removal of eyeballs. Bleeding in the eyeballs could indicate trauma, Bell said.

"The more injuries you have, the less likely the injury is going to be an accidental or unintentional nature," said Bell, deputy chief medical examiner for Florida's Broward County, which includes Fort Lauderdale. "It's part of the investigation."

*John Ellement of the Globe Staff contributed to this report.*

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